

1 2 JAN 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David M. Carter
Carter, DeLuca, Farrell & Schmidt, LLP
Suite 225
445 Broad Hollow Road
Melville NY 11747

In re Application of	:	
Plant, David James	:	DECISION ON PETITION FOR
Application No.: 10/797,756	:	REVIVAL OF ABANDONED
Filed: March 10, 2004	:	APPLICATION UNDER
Attorney Docket No.: 1315-22	:	37 CFR 1.137(b)
For: FLEXIBLE ENERGY ABSORBING	:	
MATERIAL AND METHODS OF	:	
MANUFACTURE THEREOF	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 2008, to revive the above-entitled application. The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 19, 2007, which set a shortened period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained and an Notice of Appeal was not filed. Accordingly, by operation of law, the above-identified application became abandoned on July 19, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of November 13, 2006 is accepted as having been unintentionally delayed.

The application file is being referred to Technology Center AU 1717. Telephone inquiries concerning this decision should be directed to the undersigned.

A handwritten signature in black ink, appearing to read "Anthony Smith", is located below the text of the undersigned.

Anthony Smith
Attorney-Advisor
Office of Petitions/Office of PCT Legal Administration
Telephone: (571) 272-3298